

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

FLINT RIVERKEEPER, INC., et al.,

Plaintiffs,

v.

SOUTHERN MILLS, INC., d/b/a
TENCATE PROTECTIVE FABRICS,

Defendant.

CIVIL ACTION NO. 5:16-CV-00435

DECEMBER 15, 2017 JOINT STATUS REPORT

Pursuant to this Court's October 12, 2017 Order Granting Joint Motion to Stay Case, Plaintiffs Flint Riverkeeper, Inc., Jere M. Cox, Shelby Cox Moore, Granville C. Moore, and Sean P. Draime (collectively the "Plaintiffs") and Defendant Southern Mills, Inc. d/b/a TenCate Protective Fabrics, ("TenCate") jointly submit this status report regarding the Parties' good faith efforts to pursue a comprehensive resolution of this dispute. The Parties provide the following Joint Status Report:

1. On November 16, 2017, Plaintiffs' wastewater expert, Randy Grachek, provided a memorandum proposing to screen for "dye waste" constituents during the planned wastewater sampling event. Grachek and Monique Latalladi (TenCate's wastewater expert) have discussed this screening process and agreed to a screening methodology. Based on discussions between counsel and the Parties' experts, Grachek and Latalladi reached a consensus regarding the scope of the dye waste screening.

2. On November 30, 2017, Paula Nalley, an appraiser retained by TenCate, inspected the properties of Plaintiffs Michael Cox, Cliff Moore, Shelby Moore, and Sean Draime. Plaintiffs'

attorneys Don Stack and Tyler Sniff were present for the inspection as well as Bruce Bagwell, TenCate's Plant Manager. Following the inspection, the individual Plaintiffs provided Ms. Nalley and TenCate with information concerning the improvements made on their respective properties. Ms. Nalley is currently preparing her report as is Plaintiffs' appraiser, who inspected the properties the morning prior to Ms. Nalley.

3. On November 29th and 30th, TenCate provided Plaintiffs information on the plant's recent production and an updated version of document TENCATE00025449 containing chemical usage data through October 2017. This information was provided to help ensure that the wastewater sampling was representative of plant wastewater production. TenCate is working on sending Plaintiffs the treatment pond influent cycle data and pond sodium concentration data which it agreed to provide Plaintiffs in the prior status report.

4. On December 1, 2017, Plaintiffs and TenCate had a teleconference regarding the upcoming sampling event at the TenCate facility. In addition to counsel for both parties, Plaintiffs' experts Phil Freshley and Randy Grachek participated as well as Gordon Rogers, the Flint Riverkeeper. TenCate's experts Monique Latalladi, Wade Nutter, and David Huff participated along with Bruce Bagwell from TenCate. The parties discussed the Plaintiffs' proposed method for screening for "dye waste" constituents during the wastewater sampling. The Parties also finalized the parameters of the proposed infiltrometer/soil permeability testing.

5. On December 6, 2017 Phil Freshley (Plaintiffs' soil scientist and LAS expert) and David Huff (TenCate's soil scientist and LAS expert) performed the first round of initial baseline infiltrometer/soil permeability testing at the TenCate spray fields. Freshley and Huff intend to perform a second round of infiltrometer/soil permeability testing in the first quarter of 2018 after TenCate has installed and begun operating a gypsum injection system. This later field sampling

will also be informed by the results of the wastewater data generated by Grachek and Latalladi, discussed below. Currently, the parties are awaiting sampling results from the infiltrometer testing.

6. On December 7, 2017, Randy Grachek (Plaintiffs' wastewater expert), Barry Sulkin (Plaintiffs' water quality expert) and Monique Latalladi (TenCate's wastewater expert) collected influent and effluent wastewater samples as the initial steps of a wastewater treatability study. Attorney Tyler Sniff attended the wastewater sampling on behalf of Plaintiffs. Bruce Bagwell attended on behalf of TenCate. Currently, the Parties are awaiting results from the wastewater sampling.

7. On December 8, 2017, TenCate provided Plaintiffs with chemical usage data for November 2017.

8. On December 15, 2017, counsel for Plaintiffs and TenCate held a conference call to discuss the status of ongoing matters. Brad Reynolds, TenCate's corporate counsel, also participated in the call. The parties discussed the expected exchange dates of their respective appraisal reports, wastewater sampling results, initial baseline infiltrometer/soil permeability testing results, and TenCate's summary related to per-fluorinated compounds. The parties agreed to try to exchange all this information before their next meeting which they agreed will take place on January 3, 2018 at Troutman Sanders' offices, subject to the availability of the parties' experts.

9. Subject to the intervening holidays, the Parties anticipate addressing the following tasks before the next Joint Status report: the Parties will exchange, review and analyze the sampling data received from the infiltrometer/soil permeability testing and the wastewater testing and begin discussions on potential technical improvements to TenCate's wastewater management. TenCate will provide Plaintiffs with the treatment pond influent cycle data and pond sodium concentration

data. TenCate will also provide Plaintiffs with the report regarding TenCate's past and current use of per-fluorinated compounds, which it has begun work on.

WHEREFORE the Parties jointly submit this status report as required by the Court's October 12, 2017 Order and note that these disclosures are in the nature of compromise communications and remain inadmissible by any party for any purpose other than as directed by the Court.

/s/ William M. Droze

William M. Droze
Southern Mills, Inc. d/b/a TenCate
Protective Fabrics

/s/ Donald D.J. Stack

Donald D. J. Stack
Flint Riverkeeper, Inc., Jere Michael
Cox, Shelby Cox Moore, Granville Cliff
Moore, and Sean P. Draime

/s/ R. Hutton Brown

R. Hutton Brown
Flint Riverkeeper, Inc.

Dated: December 15, 2017

Respectfully submitted,

TROUTMAN SANDERS LLP

/s/ William M. Droze

William M. Droze (Ga. Bar No. 231039)
Gregory W. Blount (Ga. Bar No. 064375)
Justin T. Wong (Ga. Bar No. 969504)

600 Peachtree Street, NE, Suite 5200
Atlanta, Georgia 30308-2216
Phone: (404) 885-3000
Facsimile: (404) 885-3900

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 15, 2017, the counsel indicated below were served by filing through the Court's CM/ECF electronic filing system:

R. Hutton Brown
April Lipscomb
SOUTHERN ENVIRONMENTAL LAW CENTER
hbrown@selcga.org
alipscomb@selcga.org
Counsel for Plaintiff Flint Riverkeeper, Inc.

Donald D.J. Stack
Tyler J. Sniff
STACK & ASSOCIATES, PC
dstack@stack-environlaw.com
tsniff@stack-envirolaw.com
Counsel for Plaintiffs Flint Riverkeeper, Inc., Jere Michael Cox,
Selby Cox Moore, Granville Cliff Moore, and Sean P. Draime

/s/ William M. Droze
WILLIAM M. DROZE
Georgia Bar Number 231039